

AMENDED IN SENATE JULY 24, 2003

AMENDED IN SENATE JUNE 19, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1045

Introduced by Assembly Member Leslie

February 20, 2003

An act to amend Sections 114260 and 114265 of the Health and Safety Code, relating to mobile food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1045, as amended, Leslie. Mobile food facilities.

The California Uniform Retail Food Facilities Law provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Health Services and for local enforcement of these provisions. Violation of any of these provisions is a crime.

Existing law establishes standards for a mobile food facility and prohibits cooking processes, as defined, on a mobile food facility.

This bill would exempt the preparation of churros from the prohibition against cooking processes on a mobile food facility, ~~but would require that ground or floor surfaces where cooking processes occur meet specified requirements.~~

Existing law requires mobile food facilities not under a valid public health permit as of January 1, 1997, on which nonpackaged ready-to-eat food is sold, or offered for sale, to be constructed and equipped in compliance with specified requirements.

This bill would, in defining those facilities to which these requirements apply, eliminate the condition that the food be

ready-to-eat, ~~and~~ would require these facilities to have a hand washing facility ~~and~~, a utensil washing sink, *safety equipment, and mechanical exhaust ventilation*, as prescribed, *and would require that ground or floor surface where cooking processes occur meet specified requirements.*

By imposing additional requirements upon certain mobile food facilities, the bill would change the definition of a crime, thus imposing a state-mandated local program.

This bill would incorporate additional changes in Section 114265 of the Health and Safety Code proposed by AB 1738, that would become operative only if AB 1738 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 114260 of the Health and Safety Code
- 2 is amended to read:
- 3 114260. (a) Mobile food facilities that are limited to the
- 4 handling of prepackaged nonpotentially hazardous food and
- 5 produce shall comply with subdivisions (a) to (i), inclusive, of
- 6 Section 114265.
- 7 (b) Mobile food facilities that handle prepackaged potentially
- 8 hazardous food, whole fish and whole aquatic invertebrates, or the
- 9 bulk dispensing of nonpotentially hazardous beverages shall
- 10 comply with subdivisions (a) to (m), inclusive, of Section 114265.
- 11 For purposes of this section, tamales shall be considered
- 12 prepackaged if dispensed to the customer in its original, inedible
- 13 wrapper.
- 14 (c) Mobile food facilities that handle any of the following foods
- 15 shall comply with subdivisions (a) to (t), inclusive, of Section
- 16 114265:



(1) Nonprepackaged nonpotentially hazardous food requiring no preparation other than heating, baking, popping, blending, assembly, portioning, or dispensing.

(2) Preparation of nonpotentially hazardous ingredients into a nonpotentially hazardous food.

(3) Churros, hot dogs, cappuccino and other coffee-based or cocoa-based beverages that may contain cream, milk, or similar dairy products, and frozen ice cream bars that meet the requirements of subdivision (b) of Section 114270.

(d) Only those foods described in this section may be prepared or dispensed on a mobile food facility.

(e) (1) Except as provided in paragraph (2), cooking processes, including, but not limited to, barbecuing, broiling, frying, and grilling are not permitted on a mobile food facility.

(2) The preparation of churros is exempt from the prohibition in paragraph (1).

SEC. 2. Section 114265 of the Health and Safety Code is amended to read:

114265. (a) The name, address, and telephone number of the owner, operator, permittee, business name, or commissary shall be legible, clearly visible, and permanently indicated on at least two sides of the exterior of the mobile food facility. The name shall be in letters at least 8 centimeters (3 inches) high and shall have strokes at least 1 centimeter ($\frac{3}{8}$ inch) wide, and shall be of a color contrasting with the mobile food facility exterior. Letters and numbers for address and telephone numbers shall not be less than 2.5 centimeters (one inch) high.

(b) Mobile food facility equipment, including, but not limited to, the interior of cabinet units and compartments, shall be designed so as to, and made of materials that, result in smooth, readily accessible, and easily cleanable surfaces. Unfinished wooden surfaces are prohibited. Construction joints shall be tightly fitted and sealed so as to be easily cleanable. Equipment and utensils shall be constructed of durable, nontoxic materials and shall be easily cleanable.

(c) During operation, no food intended for retail shall be conveyed, held, stored, displayed, or served from any place other than a mobile food facility except for the restocking of product in a manner approved by the enforcement agency.

(d) Notwithstanding subdivision (k), food products remaining after each day's operation shall be stored only in an approved commissary or other approved facility.

(e) During transportation, storage, and operation of a mobile food facility, food, food-contact surfaces, and utensils shall be protected from contamination. Single-service utensils shall be individually wrapped or in sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used only once. Food-contact surfaces and utensils shall be cleaned and sanitized in accordance with subdivisions (i), (j), and (k) of Section 114090.

(f) All food displayed, sold, or offered for sale from a mobile food facility shall be obtained from an approved source.

(g) Food condiments shall be protected from contamination and, where available for customer self-service, be prepackaged or available only from approved dispensing devices.

(h) Mobile food facilities shall be operated within 60 meters (200 feet) of approved and readily available toilet and hand washing facilities or as otherwise approved by the enforcement agency to ensure restroom facilities are available to facility employees.

(i) All mobile food facilities shall operate out of a commissary or other approved facility in accordance with Article 12.5 (commencing with Section 114300). Mobile food facilities shall report to the commissary or other approved facility at least once each operating day for cleaning and servicing operations. Mobile food facilities shall be properly stored, cleaned, and serviced at, or within, a commissary or other facility as approved by the enforcement agency so as to provide protection from unsanitary conditions.

(j) Potentially hazardous food shall be maintained at or below 5 degrees Celsius (41 degrees Fahrenheit) or at or above 60 degrees Celsius (140 degrees Fahrenheit) at all times in accordance with Section 113995.

(k) Potentially hazardous food held at or above 60 degrees Celsius (140 degrees Fahrenheit) on a mobile food facility shall be destroyed at the end of the operating day.

(l) (1) Potable and wastewater tanks may be constructed so as to be removed from within the approved mobile food facility compartments for refilling and dispensing purposes only. All retail

1 food operations shall cease during removal and replacement of
2 tanks.

3 (2) All wastewater from a mobile food facility shall be drained
4 to an approved wastewater receptor at the commissary or other
5 approved facility.

6 (3) Refilling of a potable water tank shall be conducted through
7 an approved and sanitary method.

8 (4) Storage of any prefilled potable water tank, or empty and
9 clean water tanks, or both, shall be maintained within the cart, or
10 in an approved manner that will protect against contamination.

11 (m) All new and replacement gas-fired appliances shall meet
12 applicable ANSI standards. All new and replacement electrical
13 appliances shall meet applicable Underwriters Laboratory
14 standards. However, for units subject to Part 2 (commencing with
15 Section 18000) of Division 13, these appliances shall comply with
16 standards prescribed by Sections 18028, 18029.3, and 18029.5.

17 (n) Bulk beverage dispensers shall only be filled at the
18 commissary or other facility approved by the enforcement agency
19 unless a hand washing sink as described in paragraph (1) of
20 subdivision (p) is provided.

21 (o) Where nonprepackaged food is handled for display or sale,
22 the mobile food facility shall be equipped with a food
23 compartment that completely encloses all food, food-contact
24 surfaces, and the handling of ready-to-eat food. The opening to the
25 food compartment shall be sized as appropriate to the food
26 handling activity without compromising the intended protection
27 from contamination, and shall be provided with tight-fitting doors
28 that, when closed, protect interior surfaces from dust, debris,
29 insects, and other vermin.

30 (p) Mobile food facilities, not under a valid public health
31 permit as of January 1, 1997, on which nonprepackaged food is
32 sold, or offered for sale, shall be constructed and equipped in
33 compliance with all of the following:

34 (1) A minimum of a one-compartment metal sink, hand
35 washing cleanser and single-service towels in approved dispensers
36 shall be provided. The sink shall be furnished with hot running
37 water that is at least 49 degrees Celsius (120 degrees Fahrenheit)
38 and cold running water that is less than 38 degrees Celsius (101
39 degrees Fahrenheit) through a mixing-type faucet that permits
40 both hands to be free for washing. The sink shall be large enough

1 to accommodate the cleaning of the largest utensils washed. The
2 sink, hand washing cleanser, and single-service towels shall be
3 located as to be easily accessible and unobstructed for use by the
4 operator in the working area. The minimum water heater capacity
5 shall be one-half gallon.

6 (2) The potable water tank and delivery system shall be
7 constructed of approved materials, provide protection from
8 contamination, and shall be of a capacity commensurate with the
9 level of food handling activity on the mobile food facility. The
10 capacity of the system shall be sufficient to furnish enough hot and
11 cold water for the following: steamtable, utensil washing and
12 sanitizing, hand washing, and equipment cleaning. At least 18
13 liters (5 gallons) of water shall be provided exclusively for hand
14 washing. Any water needed for other purposes shall be in addition
15 to the 18 liters (5 gallons) for hand washing.

16 (3) (A) The wastewater tank or tanks shall have a minimum
17 capacity that is 50 percent greater than the potable water tank or
18 tanks supplying the hand and utensil washing sink. In no case shall
19 this wastewater capacity be less than 28 liters (7.5 gallons).

20 (B) Mobile food facilities utilizing ice in the storage, display,
21 or service of food or beverages shall provide an additional
22 minimum wastewater holding tank capacity equal to one-third of
23 the volume of the ice cabinet to accommodate the drainage of ice
24 melt.

25 (C) Mobile food facilities equipped with a tank supplying
26 product water for the preparation of a food or beverage shall
27 provide an additional wastewater tank capacity equal to at least 15
28 percent of this water supply.

29 (D) Additional wastewater tank capacity may be required
30 where wastewater production or spillage is likely to occur.

31 (E) Any connection to a wastewater tank shall preclude the
32 possibility of contaminating any food, food-contact surface, or
33 utensil.

34 (4) A mobile food facility's potable water tank inlet shall be
35 provided with a connection of a size and type that will prevent its
36 use for any other service and shall be constructed so that backflow
37 and other contamination of the water supply is prevented. Hoses
38 used to fill potable water tanks shall be made of food grade
39 materials and handled in a sanitary manner.

40 ~~(5) (A) (i) Except as provided in clause (ii), mobile food~~

(5) (A) *Mobile food* facilities operating in accordance with subdivision (e) of Section 114260, shall meet the applicable requirements of Section 114090.

~~(ii)–~~

(B) The dimensions of each compartment of the utensil washing sink shall be at least 12 inches wide, 12 inches long, 10 inches deep or large enough to accommodate the cleaning of the largest utensil. The drainboards shall be installed with at least one-eighth inch per foot slope toward the sink compartment, and fabricated with a minimum one-half inch lip or rim to prevent the draining liquid from spilling onto the floor.

~~(iii)–~~

(C) Hand washing facilities and utensil washing sinks shall be an integral part of the primary unit or on an approved auxiliary conveyance that is used in conjunction with and maintained immediately adjacent to the primary unit of the mobile food facility. When used in conjunction with a mobile food facility, an auxiliary conveyance shall contain all of the utility connections.

~~(iv) Notwithstanding clause (iii), at events held within gated areas, a remote utensil washing sink compliant with clause (ii) shall be sufficient to satisfy the requirements of clause (iii) and subdivision (f) of Section 114330, provided it is located within the gated area.~~

(D) *Mobile food facilities operating at community events may satisfy the requirements of subparagraph (C) by operating in compliance with subdivision (f) of Section 114330, provided the utensil washing sink meets the requirements of subparagraph (B).*

(E) *Ground or floor surfaces where cooking processes occur, in accordance with Section 114260, shall be impervious, smooth, easily cleanable, and shall provide employee safety from slipping. Ground or floor surfaces in compliance with this section shall extend from beneath the mobile food facility a minimum of two feet on the open side or sides of where cooking processes are conducted.*

(F) *Mobile food facilities operating pursuant to subdivision (e) of Section 114260 shall be equipped with safety equipment as described in Section 114297 and mechanical exhaust ventilation as described in Section 114296.*

(q) Mobile food facilities selling unpackaged frozen ice cream bars or holding cream, milk, or similar dairy products pursuant to

1 Section 114270 shall be equipped with refrigeration units as
2 described in Section 113860.

3 (r) Operators of mobile food facilities handling
4 nonprepackaged food shall develop and follow written operational
5 procedures for food handling and the cleaning and sanitizing of
6 food-contact surfaces and utensils. The enforcement agency shall
7 review and approve the procedures prior to implementation and an
8 approved copy shall be kept on the mobile food facility during
9 periods of operation.

10 (s) All potentially hazardous food shall be prepackaged in an
11 approved food facility except as provided in Sections 114260 and
12 114270.

13 (t) Except to the extent that an alternative construction standard
14 is explicitly prescribed by this section, construction standards for
15 mobile food preparation units and stationary mobile food
16 preparation units which are subject to Part 2 (commencing with
17 Section 18000) of Division 13 shall be governed by the provisions
18 of that part.

19 ~~(u) Ground or floor surfaces where cooking processes occur, in~~
20 ~~accordance with Section 114260, shall be impervious, smooth,~~
21 ~~easily cleanable, and shall provide employee safety from slipping.~~
22 ~~Ground or floor surfaces in compliance with this section shall~~
23 ~~extend from beneath the mobile food facility a minimum of five~~
24 ~~feet on the open side or sides of where cooking processes are~~
25 ~~conducted.~~

26 ~~SEC. 3.—~~

27 *(u) Notwithstanding paragraph (2) of subdivision (a) of*
28 *Section 114297, portable fire protection equipment shall be*
29 *provided whenever mobile food facilities are in use. A minimum of*
30 *two approved rated 40 K class portable fire extinguishers shall be*
31 *onsite whenever cooking processes are conducted within a mobile*
32 *food facility. One approved fire extinguisher shall be mounted to*
33 *the mobile food facility and one approved fire extinguisher shall*
34 *be located no more than 30 feet from the mobile food facility unit.*

35 *(v) Mobile food facilities shall comply with all local fire codes,*
36 *standards, and ordinances.*

37 *SEC. 3. Section 114265 of the Health and Safety Code is*
38 *amended to read:*

39 114265. (a) ~~The name, address, and telephone number of the~~
40 ~~owner, operator, permittee, business name, or commissary shall be~~

~~legible, clearly visible, and permanently indicated on at least two sides of the exterior name of the facility, city, state, ZIP Code, and name of the permittee, if different from the name of the facility, shall be permanently affixed to both sides of the facility so as to be legible and clearly visible to patrons of the mobile food facility. The facility's name shall be in letters at least 8 centimeters (3 inches) high and shall have strokes at least 1 centimeter ($\frac{3}{8}$ inch) wide, in height and shall be of a color contrasting with the exterior of the mobile food facility—exterior. Letters and numbers for address and telephone numbers the city, state, ZIP Code, and the name of the permittee shall not be less than 2.5 centimeters (one inch) high in height.~~

(b) Mobile food facility equipment, including, but not limited to, the interior of cabinet units and compartments, shall be designed so as to, and made of materials that, result in smooth, readily accessible, and easily cleanable surfaces. Unfinished wooden surfaces are prohibited. Construction joints shall be tightly fitted and sealed so as to be easily cleanable. Equipment and utensils shall be constructed of durable, nontoxic materials and shall be easily cleanable.

(c) During operation, no food intended for retail shall be conveyed, held, stored, displayed, or served from any place other than a mobile food facility except for the restocking of product in a manner approved by the enforcement agency.

(d) Notwithstanding subdivision (k), food products remaining after each day's operation shall be stored only in an approved commissary or other approved facility.

(e) During transportation, storage, and operation of a mobile food facility, food, food-contact surfaces, and utensils shall be protected from contamination. Single-service utensils shall be individually wrapped or in sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used only once. Food-contact surfaces and utensils shall be cleaned and sanitized in accordance with subdivisions (i), (j), and (k) of Section 114090.

(f) All food displayed, sold, or offered for sale from a mobile food facility shall be obtained from an approved source.

(g) Food condiments shall be protected from contamination and, where available for customer self-service, be prepackaged or available only from approved dispensing devices.

(h) Mobile food facilities shall be operated within 60 meters (200 feet) of approved and readily available toilet and hand washing facilities or as otherwise approved by the enforcement agency to ensure restroom facilities are available to facility employees.

(i) All mobile food facilities shall operate out of a commissary ~~or other approved facility in accordance with Article 12.5 (commencing with Section 114300). Mobile food facilities shall report to the commissary or other approved facility at least once each operating day for cleaning and servicing operations, mobile support unit, or other facility approved by the enforcement agency.~~ Mobile food facilities shall be properly stored, cleaned, and serviced at, or within, a commissary or other facility ~~as location approved by the enforcement agency so as to provide protection~~ *be protected* from unsanitary conditions.

(j) Potentially hazardous food shall be maintained at or below 5 degrees Celsius (41 degrees Fahrenheit) or at or above ~~60~~ 57.2 degrees Celsius ~~(140~~ (135 degrees Fahrenheit) at all times in accordance with Section 113995.

(k) Potentially hazardous food held at or above ~~60~~ 57.2 degrees Celsius ~~(140~~ (135 degrees Fahrenheit) on a mobile food facility shall be destroyed at the end of the operating day.

(l) (1) Potable and wastewater tanks may be constructed so as to be removed from within the approved mobile food facility compartments for refilling and dispensing purposes only. All retail food operations shall cease during removal and replacement of tanks.

(2) All wastewater from a mobile food facility shall be drained to an approved wastewater receptor at the commissary or other approved facility.

(3) Refilling of a potable water tank shall be conducted through an approved and sanitary method.

(4) Storage of any prefilled potable water tank, or empty and clean water tanks, or both, shall be maintained within the cart, or in an approved manner that will protect against contamination.

(m) All new and replacement gas-fired appliances shall meet applicable ANSI standards. All new and replacement electrical appliances shall meet applicable Underwriters Laboratory standards. However, for units subject to Part 2 (commencing with

Section 18000) of Division 13, these appliances shall comply with standards prescribed by Sections 18028, 18029.3, and 18029.5.

(n) Bulk beverage dispensers shall only be filled at the commissary or other facility approved by the enforcement agency unless a hand washing sink as described in paragraph (1) of subdivision (p) is provided.

(o) Where nonprepackaged food is handled for display or sale, the mobile food facility shall be equipped with a food compartment that completely encloses all food, food-contact surfaces, and the handling of ready-to-eat food. The opening to the food compartment shall be sized as appropriate to the food handling activity without compromising the intended protection from contamination, and shall be provided with tight-fitting doors that, when closed, protect interior surfaces from dust, debris, insects, and other vermin.

(p) Mobile food facilities, not under a valid public health permit as of January 1, 1997, on which nonprepackaged ~~ready-to-eat~~ food is sold, or offered for sale, shall be constructed and equipped in compliance with all of the following:

(1) A minimum of a one-compartment metal sink, hand washing cleanser and single-service towels in approved dispensers shall be provided. The sink shall be furnished with hot running water that is at least 49 degrees Celsius (120 degrees Fahrenheit) and cold running water that is less than 38 degrees Celsius (101 degrees Fahrenheit) through a mixing-type faucet that permits both hands to be free for washing. The sink shall be large enough to accommodate the cleaning of the largest utensils washed. The sink, hand washing cleanser, and single-service towels shall be located as to be easily accessible and unobstructed for use by the operator in the working area. The minimum water heater capacity shall be one-half gallon.

(2) The potable water tank and delivery system shall be constructed of approved materials, provide protection from contamination, and shall be of a capacity commensurate with the level of food handling activity on the mobile food facility. The capacity of the system shall be sufficient to furnish enough hot and cold water for the following: steamtable, utensil washing and sanitizing, hand washing, and equipment cleaning. At least 18 liters (5 gallons) of water shall be provided exclusively for hand

1 washing. Any water needed for other purposes shall be in addition
2 to the 18 liters (5 gallons) for hand washing.

3 ~~(3) (i) (A)~~ The wastewater tank or tanks shall have a
4 minimum capacity that is 50 percent greater than the potable water
5 tank or tanks supplying the hand and utensil washing sink. In no
6 case shall this wastewater capacity be less than 28 liters (7.5
7 gallons).

8 ~~(ii) —~~

9 (B) Mobile food facilities utilizing ice in the storage, display,
10 or service of food or beverages shall provide an additional
11 minimum wastewater holding tank capacity equal to one-third of
12 the volume of the ice cabinet to accommodate the drainage of ice
13 melt.

14 ~~(iii) —~~

15 (C) Mobile food facilities equipped with a tank supplying
16 product water for the preparation of a food or beverage shall
17 provide an additional wastewater tank capacity equal to at least 15
18 percent of this water supply.

19 ~~(iv) —~~

20 (D) Additional wastewater tank capacity may be required
21 where wastewater production or spillage is likely to occur.

22 ~~(v) —~~

23 (E) Any connection to a wastewater tank shall preclude the
24 possibility of contaminating any food, food-contact surface, or
25 utensil.

26 (4) A mobile food facility's potable water tank inlet shall be
27 provided with a connection of a size and type that will prevent its
28 use for any other service and shall be constructed so that backflow
29 and other contamination of the water supply is prevented. Hoses
30 used to fill potable water tanks shall be made of food grade
31 materials and handled in a sanitary manner.

32 (5) (A) *Mobile food facilities operating in accordance with*
33 *subdivision (e) of Section 114260, shall meet the applicable*
34 *requirements of Section 114090.*

35 (B) *The dimensions of each compartment of the utensil washing*
36 *sink shall be at least 12 inches wide, 12 inches long, 10 inches*
37 *deep, or large enough to accommodate the cleaning of the largest*
38 *utensil. The drainboards shall be installed with at least one-eighth*
39 *inch per foot slope toward the sink compartment, and fabricated*

1 *with a minimum one-half inch lip or rim to prevent the draining*
2 *liquid from spilling onto the floor.*

3 (C) *Hand washing facilities and utensil washing sinks shall be*
4 *an integral part of the primary unit or on an approved auxiliary*
5 *conveyance that is used in conjunction with and maintained*
6 *immediately adjacent to the primary unit of the mobile food*
7 *facility. When used in conjunction with a mobile food facility, an*
8 *auxiliary conveyance shall contain all of the utility connections.*

9 (D) *Mobile food facilities operating at community events may*
10 *satisfy the requirements of subparagraph (C) by operating in*
11 *compliance with subdivision (f) of Section 114330, provided the*
12 *utensil washing sink meets the requirements of subparagraph (B).*

13 (E) *Ground or floor surfaces where cooking processes occur, in*
14 *accordance with Section 114260, shall be impervious, smooth,*
15 *easily cleanable, and shall provide employee safety from slipping.*
16 *Ground or floor surfaces in compliance with this section shall*
17 *extend from beneath the mobile food facility a minimum of two feet*
18 *on the open side or sides of where cooking processes are*
19 *conducted.*

20 (F) *Mobile food facilities operating pursuant to subdivision (e)*
21 *of Section 114260 shall be equipped with safety equipment as*
22 *described in Section 114297 and mechanical exhaust ventilation*
23 *as described in Section 114296.*

24 (q) *Mobile food facilities selling unpackaged frozen ice cream*
25 *bars or holding cream, milk, or similar dairy products pursuant to*
26 *Section 114270 shall be equipped with refrigeration units as*
27 *described in Section 113860.*

28 (r) *Operators of mobile food facilities handling*
29 *nonprepackaged food shall develop and follow written operational*
30 *procedures for food handling and the cleaning and sanitizing of*
31 *food-contact surfaces and utensils. The enforcement agency shall*
32 *review and approve the procedures prior to implementation and an*
33 *approved copy shall be kept on the mobile food facility during*
34 *periods of operation.*

35 (s) *All potentially hazardous food shall be prepackaged in an*
36 *approved food facility except as provided in Sections 114260 and*
37 *114270.*

38 (t) *Except to the extent that an alternative construction standard*
39 *is explicitly prescribed by this section, construction standards for*
40 *mobile food preparation units and stationary mobile food*

1 preparation units which are subject to Part 2 (commencing with
2 Section 18000) of Division 13 shall be governed by the provisions
3 of that part.

4 (u) *Notwithstanding paragraph (2) of subdivision (a) of*
5 *Section 114297, portable fire protection equipment shall be*
6 *provided whenever mobile food facilities are in use. A minimum of*
7 *two approved rated 40 K class portable fire extinguishers shall be*
8 *onsite whenever cooking processes are conducted within a mobile*
9 *food facility. One approved fire extinguisher shall be mounted to*
10 *the mobile food facility and one approved fire extinguisher shall*
11 *be located no more than 30 feet from the mobile food facility unit.*

12 (v) *Mobile food facilities shall comply with all local fire codes,*
13 *standards, and ordinances.*

14 *SEC. 4. Section 3 of this bill incorporates amendments to*
15 *Section 114265 of the Health and Safety Code proposed by both*
16 *this bill and AB 1738. It shall only become operative if (1) both*
17 *bills are enacted and become effective on or before January 1,*
18 *2004, (2) each bill amends Section 114265 of the Health and Safety*
19 *Code, and (3) this bill is enacted after AB 1738, in which case*
20 *Section 2 of this bill shall not become operative.*

21 *SEC. 5. No reimbursement is required by this act pursuant to*
22 *Section 6 of Article XIII B of the California Constitution because*
23 *the only costs that may be incurred by a local agency or school*
24 *district will be incurred because this act creates a new crime or*
25 *infraction, eliminates a crime or infraction, or changes the penalty*
26 *for a crime or infraction, within the meaning of Section 17556 of*
27 *the Government Code, or changes the definition of a crime within*
28 *the meaning of Section 6 of Article XIII B of the California*
29 *Constitution.*